

12-7-99

Docket: A-1028con

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

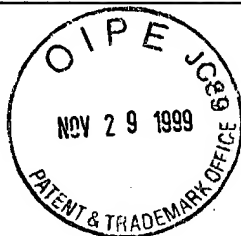
In re Application of:
Foerster et al.

Serial No: 08/858,389

Filed: May 19, 1997

For: METHODS AND DEVICES FOR MARKING
AND DEFINING TISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231



Group Art Unit: 3764

Examiner: B. Koo

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DEC - 6 1999

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AMENDMENT UNDER 37 C.F.R. 1.115

Sir:

In response to the Examiner's Office Action of July 23, 1999, please amend the above identified application as follows:

IN THE CLAIMS

Please cancel non-elected claims 4, 9-12, 38, 39, and 42, without prejudice.

Please cancel claims 5 and 14.

Please amend the pending claims as follows:

1. (Amended) A device for marking a particular tissue area within a human body to identify said particular tissue area for a later diagnostic or therapeutic procedure, comprising:

a discrete marker element;

an apparatus for remotely delivering said marker element from outside the

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